



Comments on Consent Decree and Permits

Melanie Pallman 3/25/96

Consent Decree

P. 11, paragraph 6

How will the data for the reference point be tracked by CDPHE? Will it be entered into the Permit Compliance System Data Base (PCS)?

P. 12, paragraph 8

a. If an inspection indicates that SGC has not completed a mitigation project what actions must SGC take and in what time frame?

b. Although Section VIII states the "A List" projects must be completed prior to a permit termination request, it would probably be clearer to state that in this section. Suggested change/addition:

After completion of the "A List" projects, SGC may request a Permit Termination Assessment. Within sixty days of a request by SGC, the Division will complete a Permit Termination Assessment pursuant to Section VIII of the Consent Decree.

P. 14, paragraph 9 (a)

For the determination of equilibrium - what exactly is meant by the "rate of rise has leveled off?" Suggest adding another appendix to the Consent Decree which describes the process for determining if equilibrium has been met. Does the notice by SGC that equilibrium has been reached need to provide supporting data and describe how SGC reached that conclusion? The text is a little unclear concerning what exactly is required to be provided.

What does "maintenance" of the portion of the American Tunnel downstream of the SGC property mean? This term should be defined so it is clear what action(s) will trigger the release of SGC from its permit for the American Tunnel.

P. 16, Paragraph 10

Monitoring should use methods approved in 40 CFR Part 136.

P. 17, Paragraph 10 (a) (iii)

The Consent Decree states monthly sampling of the American Tunnel Treatment Facility Effluent (we assume this is at outfall 004A as specified in the permit). The permit requires weekly sampling at 004A. Why are these frequencies different? Are

not ~~DM~~ comp. point / DMR
to public + us

Inspections, and termination should
Plan for additional measures
after inspections - be in the
permit.

IB.

IB.

IB.

Change by CDP

Am easy out.

these different outfalls? We support the weekly sampling as required by the permit.

P. 19, Paragraph 11

Will SGC seek the necessary approvals/UIC permit prior to commencing injection of the alkaline water into the mine pool?

P. 21, Paragraph 13

I- The Consent Decree requires SGC to submit Work Plans (for additional projects) within a "reasonable amount of time." We suggest the time frame be more specific. Suggest wording like: If SGC notifies the Division that they intend to perform additional remediation projects, then SGC will submit Work Plans within sixty days of the notification.

See Ver #2 /

P. 22, Paragraph 14 (g)

It is unclear in the Consent Decree what will trigger the cease of treatment of Cement Creek (review of Appendix A did not clarify this question).

a. How long SGC will have to maintain a zinc concentration at the reference point at or below the 12-month moving average in order to be released from treating Cement Creek?

b. Who will be responsible for making the determination that SGC may stop treating Cement Creek? (SCG or CDPHE?)

I. c. The amount of flow in Cement Creek which SGC is required to treat should be more clearly stated. In which months will all the flow be treated (what are you considering low flow months)? In which months will only a portion of the flow be treated (what are you considering high flow months)? How will it be determined what the equivalent volume lost to the treatment system due to mine sealing is during high flow?

at full capacity

P. 23, Paragraph 19

The permit number should be CO-002759 for the American Tunnel.

P. 24, Paragraph 22

Richard.

Permit release language should apply to SGC only.

P. 26, Paragraph 25

Richards

We are concerned that the Consent Decree, as written, would not allow CDPHE to draw on the letter of credit if SGC stops treating water, but does not file bankruptcy.

Should the Terry Tunnel permit (CO-0036056) also be attached as an Appendix E?

Appendix A

Page 4a, First bullet paragraph

new info
How long does SGC have to lower the zinc levels if a problem occurs? This action needs to have a clearly defined response time frame.

The copy of Appendix A we received ended with Paragraph __ in the last sentence. We believe this section should reference Paragraph 13 of the Consent Decree.

Permit for Mitigation Projects CO-0044768

DMRs need to be sent to EPA's new address:

U.S. Environmental Protection Agency (8ENF-T)
Office of Enforcement, Compliance
and Environmental Justice
Technical Enforcement Program
999 18th Street, Suite 500
Denver, CO 80202-2466

All projects

Amended plan
All of the attachments reference adits in the "Site Loading Estimate" whether or not the site actually has an adit and the work to be performed is related to reducing the loading from the adit. If the site does not have an adit that was used to calculate the site loading, this portion should be deleted.

The measures (BMPs) that must be taken to reduce impacts to the stream during the projects appear to be nonexistent or poorly defined. Each work plan should specify what BMPs will be used to reduce surface water impacts during construction.

We are concerned that SGC has not contacted most of the land owners concerning the proposed projects. Is there a provision in the Consent Decree to substitute projects on the A List for other projects if the owner's permission cannot be obtained?

Project AT

It appears that this project has already been completed. What was the loading reduction realized by the project? How did it compare to SGC's estimated loading reduction?

American Tunnel Permit CO-0027529

DMRs need to be sent to EPA's new address:

U.S. Environmental Protection Agency (8ENF-T)
Office of Enforcement, Compliance
and Environmental Justice
Technical Enforcement Program
999 18th Street, Suite 500
Denver, CO 80202-2466

Terry Tunnel Permit CO-0036056

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